

Recapturing *the* Constitution

*Race, Religion, and
Abortion Reconsidered*

Stephen B. Presser



Recapturing The Constitution

Rory Leishman



Recapturing The Constitution:

Recapturing the Constitution Stephen B. Presser, 1994-10-06 Presser makes a compelling case that the original understanding of the Constitution was that religion morality and law were inextricably connected Forrest McDonald *The Article V Amendatory Constitutional Convention* Thomas E. Brennan, 2014-10-08 This book describes the process of amending the federal constitution as defined in Article V by means of a convention for proposing amendments It shows that the constitution can be amended in two ways either by ratifying an amendment proposed by the Congress or by ratifying an amendment proposed by a convention Article V requires the Congress to call a convention whenever the legislatures of two thirds of the states request one The federal constitution has been amended twenty seven times All 27 amendments were proposed by the Congress There has never been an Article V amendatory constitutional convention in the 230 year history of the nation Over the years every state in the union has asked for a convention at one time or another Congress has never acknowledged those requests or evaluated them The history of the 1787 constitutional convention in Philadelphia shows that the founders intended the Article V convention to be a means for the states to seek amendments which the Congress refuses to consider The book describes the efforts of a number of citizens groups that are trying to get an Article V convention and it describes the weaknesses and strengths of each It comes to several conclusions A That the Congress will never voluntarily call a convention no matter how many petitions are received because a convention might propose amendments which would decrease the powers or prerogatives of Congress B That the states have the right to call an Article V convention without the concurrence of the Congress whenever two thirds of the states wish to participate C That citizens of the several states have the constitutional right to organize a convention for proposing amendments without the call of Congress or the approval of the state legislatures D That no amendment proposed by a convention of any kind will become a part of the federal constitution unless it is ratified by three quarters of the states as required by Article V The book urges the convening of a constitutional convention by the voluntary action of citizens and recommends a number of matters that should be on its agenda **James Madison and the Future of Limited Government** John Curtis Samples, 2002 The essays in this volume use Madison to engage such contemporary issues as multiculturalism federalism the emerging democracies the scope of international law and faith based policy and politics This book speaks to both the past and present of the American republic

A Paleoconservative Anthology Paul Gottfried, 2023-02-15 This anthology provides detailed examinations of the major themes and perspectives of the paleoconservatives as political thinkers and activists A long forgotten and persistently disregarded group within the American Right but their ideas show a remarkable staying power Paleoconservatives as this anthology undertakes to show have been among the most original and insightful representatives of the Right over the last thirty years but because of internal quarrels and their conspicuous defiance of the conservative establishment they have become isolated voices Almost everything about the paleoconservatives should be of interest to historians of political

movements including the process by which they became a marginalized force on the intellectual right and their periodic attempts to build bridges across the political spectrum **Recapturing the Spirit** Eric Neisser,1991 In clear nontechnical language the author analyzes how contemporary Supreme Court decisions have interpreted the Bill of Rights **Against Judicial Activism** Rory Leishman,2006-04-05 The Charter and expansive versions of the federal and provincial human rights codes were supposed to safeguard the human rights and fundamental freedoms of Canadians Rory Leishman argues that this experiment in radical constitutional reform has failed because judicial activists and human rights adjudicators have read their ideological preferences into the law rather than upholding the law as originally understood Star Trek Visions of Law and Justice Robert H. Chaires,Bradley Stewart Chilton,2003 Star Trek Visions of Law and Justice collects fourteen articles connecting popular media with academic inquiry illustrating the connections between the future world of Star Trek and current issues in international law law and justice and the American legal system It makes an ideal text to teach students interdisciplinary academic concepts using a familiar popular media phenomenon **The Morality of Adoption** Timothy Patrick Jackson,2005 The Religion Marriage and Family Series investigates marriage and family as major theological and cultural issues Given that both society and the church have debated these topics intensely but have actually studied them very little this series attempts to correct recent theological neglect of these important matters *Horse Sense for the New Millennium* Wesley Allen Riddle,2011-09-07 The United States faces the problems of ever growing government declining political participation and the deterioration of moral society It is a tumultuous and often troubling time in history In Horse Sense for the New Millennium author Wesley Allen Riddle offers a lens for interpreting modern political events and presents a conservative commentary on American life and politics A collection of previously published columns Horse Sense for the New Millennium offers a reservoir of creative conservative approaches distinct from more common ones advocated by progressive liberals Compiling a decade of thoughts Riddle discusses the state of American politics and government and shows that hope for Americas future lies in returning to the nations founding principles and applying them to the problems facing America today He argues that the road map for success lies in the US Constitution Horse Sense for the New Millennium presents an articulate and passionate critique of government in modern society including governments taking on too many roles too many rules and regulations and creating a nanny state that is socially and economically crippling the nation Riddle explains the founders original intent and demonstrates their vision is still the key to Americas prosperity

Against Constitutional Originalism Jonathan Gienapp,2024-09-03 A detailed and compelling examination of how the legal theory of originalism ignores and distorts the very constitutional history from which it derives interpretive authority Constitutional originalism stakes law to history The theory s core tenet that the U S Constitution should be interpreted according to its original meaning has us decide questions of modern constitutional law by consulting the distant constitutional past Yet originalist engagement with history is often deeply problematic And now that a majority of justices on

the U S Supreme Court champion originalism the task of scrutinizing originalists use and abuse of history has never been more urgent In this comprehensive and novel critique of originalism Jonathan Gienapp targets originalists unspoken assumptions about the Constitution and its history Originalists are committed to recovering the Constitution laid down at the American Founding yet they often assume that the Constitution is fundamentally modern Rather than recovering the original Constitution they project their own understandings onto it assuming that eighteenth century constitutional thinking was no different than their own They take for granted what it meant to write a constitution down what law was how it worked and where it came from and how a constitution s meaning was fixed In the process they erase the Constitution that eighteenth century Americans in fact created By understanding how originalism fails we can better understand the Constitution that we have

Naval Documents Related to the Quasi-war Between the United States and France United States. Office of Naval Records and Library,1935 Railroad Legislation Affecting Short Lines (sec. 15A--recapture Clause of I.C. Act) United States. Congress. House. Committee on Interstate and Foreign Commerce,1928 *Constitutional Construction* Keith E. Whittington,William Nelson Cromwell Professor of Politics and the Director of Graduate Studies in the Department of Politics Keith E Whittington,2009-06-01 This book argues that the Constitution has a dual nature The first aspect on which legal scholars have focused is the degree to which the Constitution acts as a binding set of rules that can be neutrally interpreted and externally enforced by the courts against government actors This is the process of constitutional interpretation But according to Keith Whittington the Constitution also permeates politics itself to guide and constrain political actors in the very process of making public policy In so doing it is also dependent on political actors both to formulate authoritative constitutional requirements and to enforce those fundamental settlements in the future Whittington characterizes this process by which constitutional meaning is shaped within politics at the same time that politics is shaped by the Constitution as one of construction as opposed to interpretation Whittington goes on to argue that ambiguities in the constitutional text and changes in the political situation push political actors to construct their own constitutional understanding The construction of constitutional meaning is a necessary part of the political process and a regular part of our nation s history how a democracy lives with a written constitution The Constitution both binds and empowers government officials Whittington develops his argument through intensive analysis of four important cases the impeachments of Justice Samuel Chase and President Andrew Johnson the nullification crisis and reforms of presidential congressional relations during the Nixon presidency The Documentary History of the Supreme Court of the United States, 1789-1800: Cases, 1798-1800 Maeva Marcus,1985 *Railroad Legislation (Sec. 15a - Recapture - I.C. Act) (Sec. 15a - Rule of Rate Making - I.C. Act) (Sec. 19a - Valuations - I.C. Act) Hearings ... on H.R. 7116 and 7117 ... Jan. 19 to Feb. 12, 1932* United States. Congress. House. Committee on Interstate and Foreign Commerce,1932 **The Congressional Globe** United States. Congress,1848

Popular Government and the Supreme Court Lane V. Sunderland,1996 With quiet eloquence Lane Sunderland

argues that we must reclaim the fundamental principles of the Constitution if we are to restore democratic government to its proper role in American life For far too long he contends the popular will has been held in check by an overly powerful Supreme Court using non constitutional principles to make policy and promote its own political agendas His work shows why this has diminished American democracy and what we can do to revive it Sunderland presents a strong thoughtful challenge to the constitutional theories promoted by Ronald Dworkin Archibald Cox Richard Epstein Michael Perry John Hart Ely Robert Bork Philip Kurland Laurence Tribe Mark Tushnet and Catharine MacKinnon an enormously diverse group united by an apparent belief in judicial supremacy Their theories he demonstrates undermine the democratic foundations of the Constitution and the power of the majority to resolve for itself important questions of justice Central to this enterprise is Sunderland s reconsideration of The Federalist as the first most reliable and most profound commentary on the Constitution The Federalist he states is crucial because it explains the underlying theory of the Constitution as a whole a theory that gives meaning to its particular provisions In addition Sunderland reexamines the Declaration of Independence and the work of Hobbes Locke and Montesquieu in order to better define the nature and limits of their influence on the Framers His reading of these works in conjunction with The Federalist shows just how far afield contemporary commentators have strayed Sunderland deliberately echoes and amplifies Madison s wisdom in Federalist No 10 that the object of the Constitution is to secure the public good and private rights and at the same time to preserve the spirit and form of popular government To attain that object he persuasively argues requires that the judiciary acknowledge and enforce the constitutional limitations upon its own powers In an era loudly proclaiming the return of popular government majority rule and the will of the people that argument is especially relevant and appealing Recapture Clause Case United States. Department of Justice,1923

Readings in American Constitutional History, 1776-1876 Allen Johnson,1912

We the ^Black People: Untold

Truths of Black American History Jude A. Elliott,2025-05-17 It is important to the survival of a people their culture to have an accurate complete account of their history For way too long in United States History African Americans have been subjected to whitewashing segmented telling of their history until now We the Black People Untold Truths of Black American History changes this We begin at 1441 tell as comprehensive a story about the plight of Africans in the New World United States through the present We cover well known little known topics as well as analyze the role of white supremacy in the struggle for African Americans throughout the history of the United States Despite the challenges there were many successes in the Black Experience We the Black People is a book long overdue to expose the American citizenry to an aspect of its history long overlooked

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